

Burns Harbor Town Council
Regular Meeting
June 8, 2016

The Town Council of the Town of Burns Harbor, Porter County, Indiana met in its regular session on Wednesday, June 8, 2016 in the Town Hall. The meeting was called to order by Council President, Raymond Poparad at 7:00 p.m.

The Pledge of Allegiance to the American Flag was recited.

Roll Call: Toni Biancardi ----- Present
Andrew Bozak ----- Present
Eric Hull ----- Absent
Raymond Poparad ---- Present
Marcus Rogala ----- Present

Clerk-Treasurer Jane Jordan was present. A quorum was attained.

Additional Officials Present: Attorney Christine McWilliams, Town Marshal Michael Heckman, Street Superintendent Pat Melton and Building Commissioner/Fire Chief/Sanitation Superintendent William Arney.

Also Present: Jeff Schultz of the Chesterton Tribune

Approval of Minutes:

Councilman Rogala made a motion to approve May 11, 2016 meeting minutes. Councilwoman Biancardi seconded the motion. Councilwoman Biancardi – Aye, Councilman Bozak – Aye, Councilman Hull – Absent, Councilman Poparad – Aye, Councilman Rogala – Aye. **Motion passed.**

Councilwoman Biancardi made a motion to approve May 27, 2016 executive meeting minutes. Councilman Bozak seconded the motion. Councilwoman Biancardi – Aye, Councilman Bozak – Aye, Councilman Hull – Absent, Councilman Poparad – Aye, Councilman Rogala – Aye. **Motion passed.**

Public Hearing:

Councilman Poparad opened the public hearing at 7:02 p.m.

Clerk-Treasurer Jordan stated the language for resolution 273-2016 is to change the Town Code in reference to the Redevelopment Commission addressing the non-voting member of the school board. There is a new state law that takes effect July first. The School Board appointment is no longer required to be a school board member. The Council needs to decide if the proposed ordinance 273-2016 reflects the new law.

Burns Harbor resident, Paulene Poparad of State Road 149 asked if the ordinance was giving the Town the option.

Councilwoman Biancardi stated over the course of time we have needed to clean up this ordinance, in particular it still has Robert Poparad and Clifford Keppen appointed in the Town Code so, we need to clean that up. We have also discovered that Senate Enrolled Act 380 makes a little bit of change to the school board appointment. It can be a member or someone they choose to appoint so, we want to add that language in to conform to the current law. Mr. President, I would suggest that it should include the language from SEA 380 which indicates that it can also be whoever the school board chooses and if we do the second reading in July the law will be in effect.

Councilman Poparad asked who is our new appointment from the school board.

Councilman Bozak said Brandon Kroft.

Councilman Poparad closed the public hearing at 7:04 p.m.

Reports:

Clerk-Treasurer Jordan informed those present she would be attending State Board of Accounts' School this week learning the new laws that pertain to municipal government. There are a lot changes to the budget process we will have to review. The Audit has been completed but we are waiting on our exit conference on their findings. I have been told the property taxes have been distributed by the County Auditor but, I have not had an opportunity to pull that information

Burns Harbor Town Council
Regular Meeting
June 8, 2016

from my email to see how the distributions were paid out. Typically we receive a little over fifty percent in June but, I will report back in July on those numbers.

Councilman Rogala informed the Council he attended the INDOT Employee of Responsible Charge training and is now certified with INDOT; complying with requirements to receive federal funds for the Marquette Greenway. He incurred expenses to attend the training and present them to the Council for possible reimbursement. Councilman Bozak made a motion to reimburse Councilman Rogala for his travel expenses. Councilwoman Biancardi seconded the motion. Councilwoman Biancardi – Aye, Councilman Bozak – Aye, Councilman Hull – Absent, Councilman Poparad – Aye, Councilman Rogala – Aye. **Motion passed.**

Councilman Poparad informed the Council that Councilwoman Biancardi and he attended a class pertaining to the Local Road and Bridge Matching Grant Fund at the Indiana's Highway Department in LaPorte. Councilwoman Biancardi reminded them of the hump on Navajo Trail that they were to repair.

Councilwoman Biancardi informed the Council that it appears to be a fairly simple grant application process and is due July 15th. The Town can submit multiple projects. She requested that her or Ray meet with the town engineer and that the Town request money to pave Westport Road and North Boo Road and to fix Old Porter Road's drainage.

Building Commissioner Arney went over the monthly report and stated that the report is in the Council members' boxes.

Street Superintendent Pat Melton went over the monthly report and stated that the report is in the Council members' boxes. Superintendent Melton informed the Council the State did a good job fixing the ditch at Navajo Trail and State Road 149. Councilman Poparad informed the Council Paulene Poparad has offered her assistance to clean the planting area at Town Hall and redesigning it to require less maintenance. After discussion, Councilman Bozak made a motion that the Town purchases plants and supplies for landscaping Town Hall in an amount not to exceed one thousand dollars. Councilwoman Biancardi seconded the motion. Councilwoman Biancardi – Aye, Councilman Bozak – Aye, Councilman Hull – Absent, Councilman Poparad – Aye, Councilman Rogala – Aye. **Motion passed.**

Councilwoman Biancardi informed those present street lights outages can be reported to NIPSCO by entering the pole number using a link on their website. Councilman Poparad stated they can also contact the police department and they will report them as well.

Town Marshal Heckman went over the monthly report and stated that the report is in the Council members' boxes. The Police Department bicycle registration and safety day had a great turnout. Fifty-five children attend. Since the Department is still getting helmet requests, fifty more helmets were ordered Monday. The street light on US 20 cannot be placed on the pole the Town requested due to power lines. NIPSCO will install the light one pole west of there and will check the lighting direction once it's installed. The Town wants to thank the following departments who assisted the Burns Harbor Police Department on May 19th, State Excise Police, ATF, DEA, US Marshals, Indiana State Police, Porter County Sheriff Department, Ogden Dunes Police Department, Porter Police Department, Chesterton, Police Department, Portage Police Department, Hebron Police Department, Kouts Police Department, Valparaiso Police Department, and our own Burns Harbor Fire Department.

Fire Chief Arney went over the monthly report and stated that the report is in the Council members' boxes. The fire department thanked the police department and street department for assisting with the house fire. The adjuster indicated they will begin demolition of the house next week. The new rescue truck is lettered and in service, just waiting for title and plates from BMV. Councilwoman Biancardi stated the Library and the Rotary Club is going to show a movie at the Westport property on August 6th. I asked Fire Chief Arney if the fire station can be the rain location; Bill agreed. Would the Council be okay with that? Council's consensus was that it would be okay to hold movie night at the fire station. Fire Chief Arney informed the Council that ISO is coming to review the building department and the fire department which will take a lot of his time.

Burns Harbor Town Council
Regular Meeting
June 8, 2016

Councilman Poparad informed the Council they received letters from the YMCA asking them to exploring ideas that address the Duneland community's needs. Councilman Rogala agreed to attend on the Town's behalf.

Sanitation Superintendent Arney indicated lift station three is working but four is having voltage problems. I've been working with Sanitary Secretary Corinne Peffers on forms. The new drop box was installed at the Town Hall.

In absents of a Park representative, Councilman Rogala informed the Council the lake was treated for the Eurasian milfoil. The Park thanks the Council for the tractor which has arrived. Day Camp and Art Camp starts June 13th, beach is open from 10:00 a.m. to 6:00 p.m. daily, kayaks can be rented at the lake. The Park is still looking for volunteers for the 5K Footloose contact the Park Director. The Footloose Committee is requesting that Haglund and Westport Road be closed to vehicles during the race for from 6:00 p.m. to 7:30 p.m. Councilman Rogala made a motion that Westport and Haglund Roads be closed during the race. Councilwoman Biancardi seconded the motion. Burns Harbor resident Crystal Westphal of Stanley Road asked what are you going to do with the cars when people want to come home. Councilman Rogala stated an informational letter will go out to the residents in the area before the Footloose. We had only three of four cars and it was for a party at the same time. Councilwoman Biancardi – Aye, Councilman Bozak – Aye, Councilman Hull – Absent, Councilman Poparad – Aye, Councilman Rogala – Aye. **Motion passed.**

Redevelopment Commission representative Joe Rurode informed the Council that with the assistance of Bill, Mike, Jane, Marcus, Toni, Anton Insurance, Global Engineering, and the town attorney we put together the public gathering application. We've been having discussions with vendors to establish dates for the Food Cart Square at the Westport property.

No purchase orders were presented for discussion.

Correspondence:

IDEM – Notice of Public Comment – Oil Technology Inc. on-site contractor for ArcelorMittal
IDEM – Notice of Public Comment – Fritz Enterprises in Porter County
IDEM – Approval of Powder Processing Technology, Valparaiso Title V Renewal
IDEM – Approval of Metal Services on-site contractor for ArcelorMittal Title V Renewal
IAC – Indiana Drug Card free at www.Indianadrugcard.com
Indiana Dunes Tourism – End of Year Report
Family 4th Fest – Request for donation

Councilman Rogala made a motion that the Town donates three hundred dollars to the Family 4th Fest. Councilman Bozak seconded the motion. Councilwoman Biancardi – Aye, Councilman Bozak – Aye, Councilman Hull – Absent, Councilman Poparad – Aye, Councilman Rogala – Aye. **Motion passed.**

Presentations, Resolutions, Ordinances and Remonstrance:

Ordinance 268-2016 Amending Text of the Administration Ordinance concerning Sanitary Board membership on second reading:

Councilman Rogala made a motion that the Town adopts **Ordinance 268-2016 An Ordinance of the Town of Burns Harbor Town Council Amending the Text of the Administration Ordinance** on second reading. Councilwoman Biancardi seconded the motion. Councilwoman Biancardi – Aye, Councilman Bozak – Aye, Councilman Hull – Absent, Councilman Poparad – Aye, Councilman Rogala – Aye. **Ordinance 268-2016 passed and was adopted.**

Ordinance 272-2016 Establishing Fund 257 LOIT Special Distribution Fund:

Councilwoman Biancardi made a motion that the Town adopts **Ordinance 272-2016 An Ordinance of the Burns Harbor Town Council Creating Fund 257 LOIT Special Distribution Fund**

WHEREAS, Senate Enrolled Act 67, hereby signified as SEA 67, allows for a one-time Distribution from the county's trust account maintained by the State to each taxing unit an amount equal to the taxing unit's allocation amount.

WHEREAS, 75% of the special distribution is restricted to be used for the purposes specified in IC 6-3.6-9-17 (h)(1)(A)

WHEREAS, the State Board of Accounts has designated Fund 257, titled LOIT Special Distribution, to be used for the purpose of receipting and accounting for the restricted portion of the distribution received from SEA 67

Burns Harbor Town Council
Regular Meeting
June 8, 2016

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BURNS HARBOR, INDIANA THAT:

1. There is hereby established a special fund to be designated as Fund 257, LOIT Special Distribution Fund.
2. At least Seventy-five (75%) of the special distribution received by the Town in Accordance with SEA 67 shall be receipted into the Town's LOIT Special Distribution Fund
3. At least Seventy-five percent (75%) of the special distribution received shall be used exclusively for the purposes specified in IC 6.3.6-9-17 (h) (1) (A)
4. No more than Twenty-five percent (25%) of the special distribution received in accordance with SEA 67 shall be receipted into the Town's General fund or Rainy Day Fund

Councilman Rogala seconded the motion. Councilwoman Biancardi – Aye, Councilman Bozak – Aye, Councilman Hull – Absent, Councilman Poparad – Aye, Councilman Rogala – Aye.
Ordinance 272-2016 passed on its first reading.

Councilwoman Biancardi made a motion that the Town declares an emergency and suspends the rules of adopting an ordinance in two separate meetings. Councilman Rogala seconded the motion. Councilwoman Biancardi – Aye, Councilman Bozak – Aye, Councilman Hull – Absent, Councilman Poparad – Aye, Councilman Rogala – Aye. **Motion passed.**

Councilman Rogala made a motion that the Town adopts **Ordinance 272-2016** on its second reading. Councilwoman Biancardi seconded the motion. Councilwoman Biancardi – Aye, Councilman Bozak – Aye, Councilman Hull – Absent, Councilman Poparad – Aye, Councilman Rogala – Aye. **Ordinance 272-2016 passed and was adopted.**

Ordinance 273-2016 Amending Text of the Department of Redevelopment Ordinance:
Matter discussed under public hearing.

Resolution 2016-13 Requesting CF-1 Forms to contain Council President's Signature for Tax Abatement:

Clerk-Treasurer Jordan stated this policy would not need to go into effect until our next tax year. If the Council could review the draft sent by Attorney Patton and makes any recommended changes for possible adoption at next meeting.

Councilwoman Biancardi asked who is currently receiving tax abatement.

Councilman Poparad stated Indiana Flame and ArcelorMittal.

Clerk-Treasurer Jordan stated Praxair will be filing next year and ArcelorMittal has two abatements.

New Business:

Decommission 2009 Chevy Impala VIN 2G1WS57M491118573 & Decommission 2010 Chevy Impala VIN 2G1WD5EM4A1221302:

Councilwoman Biancardi made a motion to decommission the 2009 Chevy Impala VIN 2G1WS57M491118573 and the 2010 Chevy Impala VIN 2G1WD5EM4A1221302. Councilman Rogala seconded the motion. Councilwoman Biancardi – Aye, Councilman Bozak – Aye, Councilman Hull – Absent, Councilman Poparad – Aye, Councilman Rogala – Aye. **Motion passed.**

Abandoned homes:

Councilman Poparad informed the Council that Building Commission Arney is working with the town attorney to address the matter.

Public gathering permit application submitted by Burns Harbor Redevelopment Commission:

Councilman Rogala made a motion that the Town approves the Redevelopment Commissions public gathering permit application for the Food Truck Square and that the one hundred dollar application fee be waived. Councilman Bozak seconded the motion. Councilman Poparad asked are you going to have electric in place by then. Councilman Rogala

Burns Harbor Town Council
Regular Meeting
June 8, 2016

stated yes. Councilwoman Biancardi – Aye, Councilman Bozak – Aye, Councilman Hull – Absent, Councilman Poparad – Aye, Councilman Rogala – Aye. **Motion passed.**

Approval to Pay Vouchers:

Councilwoman Biancardi moved to approve all vouchers with three or more signatures. Councilman Rogala seconded the motion. Councilwoman Biancardi – Aye, Councilman Bozak – Aye, Councilman Hull – Absent, Councilman Poparad – Aye, Councilman Rogala – Aye. **Motion passed.**

Approval of Financial Report:

Councilwoman Biancardi moved to approve the May 2016 financial report. Councilman Bozak seconded the motion. Councilwoman Biancardi – Aye, Councilman Bozak – Aye, Councilman Hull – Absent, Councilman Poparad – Aye, Councilman Rogala – Aye. **Motion passed.**

Old Business:

Burns Harbor Scholarship applications due June 30th:

Councilman Poparad reminded Burns Harbor residents that scholarship applications are due June 30th. All residents are eligible to apply.

Old Porter Road drainage assessment:

Councilman Poparad stated that the matter will fall under the Storm Water Board and asked that it be removed from the agenda. The Storm Water Board will meet at 6:30 p.m. on June 15th.

Town Auction:

Council Poparad informed those present that the town auction is July 23rd.

Global Engineering study for State Road 149:

Councilman Rogala asked that the matter be removed from the agenda.

Council meeting twice a month:

Councilman Poparad informed those present that it increases town costs and work load.

Councilwoman Biancardi suggested if we need to have a special meeting, we can call for one. To save time at the meetings, just read your materials and be prepared.

Councilman Poparad requested that the matter be removed from the agenda.

Appointments to Sanitary Board:

Councilwoman Biancardi made a motion that the Town appoints Nathan Tumblin and Wilbur Oudman to the Sanitary Sewer Board. Councilman Bozak seconded the motion. Councilwoman Biancardi – Aye, Councilman Bozak – Aye, Councilman Hull – Absent, Councilman Poparad – Aye, Councilman Rogala – Aye. **Motion passed.**

Councilman Poparad stated effective immediately. We will discuss their term expiration date at the next meeting.

Mosquito Fogging:

Clerk-Treasurer Jordan stated mosquito fogging is seven hundred dollars as it was last year. If you want to do water treatments for eggs and larva, that cost starts at two hundred and fifty dollars. They can only treat town property. The Company's recommendation is to remind property owners to get rid of standing water.

After discussion, Council requested mosquito fogging before the 5K Footloose and Movie Night.

Councilwoman Biancardi made a motion to allow the Clerk-Treasurer to order mosquito fogging up to four times this season. Councilman Bozak seconded the motion. Councilwoman Biancardi – Aye, Councilman Bozak – Aye, Councilman Hull – Absent, Councilman Poparad – Aye, Councilman Rogala – Aye. **Motion passed.**

Town rummage sale committee volunteers

Councilwoman Biancardi informed the Council she contacted last year's volunteer who stated she was not available to help but, would pass on any information and resources she has.

Burns Harbor Town Council
Regular Meeting
June 8, 2016

Other Matters:

Clerk-Treasurer Jordan informed the Council that Indiana Flame has submitted their Pay 2017 CF-1 Form for Council's review. They are in compliance with cost of equipment installed and the number of employees hired but there is a slight decrease in employees they would retain and those salaries.

After further discussion, Councilman Bozak made a motion that the Town approves Indiana Flames Pay 2017 abatement. Councilwoman Biancardi seconded the motion. Burns Harbor resident Nicholas Loving of Kinner Drive stated I think it is a horrible idea to grant tax abatement to a company that says they are going to keep a certain number of jobs and then they fail to do that. Councilman Poparad stated they did not meet the employee retention number. Councilwoman Biancardi asked do we have to approve this tonight. Without them being here to defend it. Clerk-Treasurer Jordan stated I spoke to the assessor's office today. Typically this would have been dealt with and sent to their office if Indiana Flame had gone through the proper channels. The Assessor's office felt that we would have some time, since their office is aware of the matter through our communications. If the Council needs to hold off until your July meeting, the assessor's office felt they could make this work no matter your decision. Councilwoman Biancardi stated given we have time, I will withdraw my second. Councilman Bozak stated I will withdraw my motion.

Councilwoman Biancardi asked Clerk-Treasurer Jordan to contact Indiana Flame and ask them to attend the July 13 Council meeting.

Good of the Order of the Community:

Burns Harbor resident, Bernie Poparad of State Road 149 asked the Town pay respects to the family of Cadet Mitchell Alexander Winey. We are all saddened by his tragic death.

Fire Chief Arney informed the Council that the contract for the ambulance service will be due for a one year automatic renewal. Councilman Poparad asked that a copy of the contract be forwarded to the Council for review.

Burns Harbor resident, Crystal Westphal of Stanley Street asked the status of the windows. Councilman Poparad stated the project was cancelled.

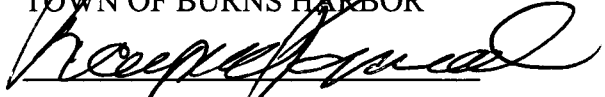
Burns Harbor resident, Paulene Poparad of State Road 149 reiterated what a wonderful job the town departments and mutual aid, who responded to the house fire, did.

Councilman Poparad advised the public to be safe while driving during road construction season.

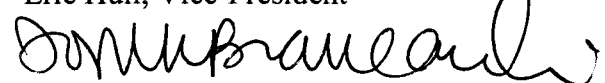
Councilman Rogala made a motion that we adjourn. Councilwoman Biancardi seconded the motion. Councilwoman Biancardi – Aye, Councilman Bozak – Aye, Councilman Hull – Absent, Councilman Poparad – Aye, Councilman Rogala – Aye. **Motion passed.**

There being no further business to discuss, the meeting concluded at 7:55 p.m.


TOWN COUNCIL OF THE
TOWN OF BURNS HARBOR


Raymond Poparad, President

Eric Hull, Vice-President

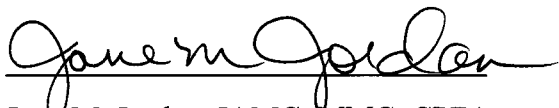

Toni Biancardi

Andrew Bozak


Marcus Rogala

Burns Harbor Town Council
Regular Meeting
June 8, 2016

ATTEST:

A handwritten signature in black ink, appearing to read "Jane M. Jordan", written over a horizontal line.

Jane M. Jordan, IAMC, MMC, CPFA
Clerk-Treasurer